

JAMES R. ROBIE, SBN 67303
KYLE KVETON, SBN 110805
RONALD P. FUNNELL, SBN 209897
ROBIE & MATTHAI
A Professional Corporation
500 South Grand Avenue, 15th Floor
Los Angeles, California 90071
(213) 706-8000 • (213) 624-2563 Fax
kkveton@romalaw.com

Attorneys for Plaintiff PROGRESSIVE WEST
INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PROGRESSIVE WEST INSURANCE)
COMPANY, an Ohio corporation,)
Plaintiff,)
vs.)
BUN BUN TRAN, LEONEL)
ARRELLANO,)
Defendants.)

CASE NO. 07 - CV 1999 JAH (POR)
**REQUEST TO ENTER DEFAULT
AGAINST DEFENDANT LEONEL
ARRELLANO; DECLARATION OF
RONALD P. FUNNELL**

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff Progressive West Insurance Company ("Progressive") hereby requests that the clerk of the U.S. District Court Southern District of California enter default in this matter against defendant Leonel Arrellano on the ground that said defendant has failed to appear or otherwise respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure. Plaintiff served the complaint on defendant Leonel Arrellano on November 5, 2007, evidenced by the Summons on file with this Court and attached as Exhibit A.

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1 The above stated facts are set forth in the accompanying declaration of Ronald
2 P. Funnell, filed herewith.

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4 DATED: April 8, 2008

ROBIE & MATTHAI
A Professional Corporation

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6
7 By: _____

JAMES R. ROBIE
KYLE KVETON
RONALD P. FUNNELL
Attorneys for Plaintiff PROGRESSIVE WEST
INSURANCE COMPANY

**DECLARATION OF RONALD P. FUNNELL IN SUPPORT
OF REQUEST TO ENTER DEFAULT**

I, RONALD P. FUNNELL, declare as follows:

1. I am an attorney licensed to practice law in the state of California and am an attorney with the law firm of Robie and Matthai, attorneys representing Plaintiff Progressive West Insurance Company in this case. The facts stated in this declaration are from my own personal knowledge and I would and could testify competently to these facts if called to do so.

2. Defendant Leonel Arrellano was served with the Summons and the Complaint on November 5, 2007. Attached hereto as **Exhibit A** are true and correct copies of the Summons and Complaint.

3. Defendant Leonel Arrellano has not appeared in this action and has not responded to the complaint within the 20 day time period permitted by law as provided by FRCP 12(a)(1).

4. Defendant Leonel Arrellano is not a minor nor an incompetent person.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of April 2008, at Los Angeles, California.

RONALD P. FUNNELL

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 500 South Grand Avenue, 15th Floor, Los Angeles, CA 90071-2609.

On April 8, 2008, I served the foregoing document(s) described as:

**REQUEST TO ENTER DEFAULT AGAINST
DEFENDANT LEONEL ARRELLANO;
DECLARATION OF RONALD P. FUNNELL**

on all interested parties in this action by placing a true copy of each document, enclosed in a sealed envelope addressed as follows:

**Attorneys for Defendant, Bun Bun
Tran:**

Christopher E. Angelo, Esq.
Joseph Di Monda, Esq.
ANGELO & DI MONDA LLP
1721 No. Sepulveda Boulevard
Manhattan Beach, CA 90266-5014
Telephone: (310) 939-0099
Facsimile: (310) 939-0023

**Defendant Leonel Arrellano, In Pro
Per:**

Leonel Arrellano, Inmate #F77654
c/o Division of Adult Operations
Sierra Conversation Center
5100 O'Byrnes Ferry Road
Jamestown, CA 95327

☒ **BY MAIL:** as follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Los Angeles, California.

☐ **BY PERSONAL SERVICE:** I delivered such envelope by hand to the above addressee(s).

☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to an overnight courier service (Federal Express), for delivery to the above addressee(s).

☐ **BY FACSIMILE TRANSMISSION:** I caused the above-referenced document(s) to be transmitted to the above-named person(s) at the above facsimile number.

☐ **BY E-SERVICE:** I caused the above-referenced document(s) to be electronically served on all counsel of record through the Court's CM/ECF filing and service system.

☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 8, 2008, at Los Angeles, California.

Windy Gale Tyler